

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILFREDO RAMOS, JR.,
Plaintiff,

CIVIL ACTION
NO. 16-2765

v.

TROOPER JUSTIN M. SUMMA, et al,

Defendants.

ORDER

AND NOW, this 22nd day of March, 2017, upon review of Defendant's Motion to Dismiss for Failure to State a Claim (Docket No. 11), Plaintiff's response thereto, and Defendant's reply, it is hereby **ORDERED** that Defendant's motion is **DENIED** without prejudice to refile as a motion for summary judgment at the close of discovery.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.